



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	June 15-115 RZ/P
Case Type	Rezoning & Preliminary Plat
Project Name	SAFPD Station No. 3

Applicant/Owner:	John Callahan, Smithville Area Fire Protection District (SAFPD) 341 Park Drive Smithville, MO 64089
Request	Rezoning Agricultural (AG) to Community Commercial (C-2) District <i>AND</i> Preliminary Plat approval of <u>SAFPD STATION NO.3</u>

Application Submittal	2015-04-29
Public Notice Published	2015-05-14
Neighbor Letters Sent	2015-05-14
Report Date	2015-05-27

REPORT AUTHOR(S)	Debbie Viviano, Planner Matt Tapp, Director
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Recommendation	APPROVAL with conditions
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General Information

Site Location:	approximately 18315 Collins Road Section 8 Township 53 Range 32
Site Size:	1.94± Acres
Existing Landuse & Zoning:	Agricultural (AG)
Zoning/Platting History:	None
Surrounding Landuse & Zoning:	North - AG zoned land, <u>Holdsworth Commercial Addition 2</u> (C-2), Majestic View (R-1A) East - Smithville Lake Reservoir South - Smithville Lake Reservoir West - <u>Paradise South</u> (R-1/C-3), Town of Paradise, Smithville Lake Reservoir

Current Conditions:



Courtesy Clay County Assessor,
GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

John Callahan, Fire Chief for Smithville Area Fire Protection District (“SAFPD”) is requesting **Rezoning** approval from Agricultural (AG) district to Community Commercial (C-2) District for **SAFPD STATION NO. 3**, 1.94± acres located at approximately 18315 Collins Road and **Preliminary Plat** approval.

SAFPD wishes to rezone the subject property so as to locate a new fire station to better serve the east region of their service area.

2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the **NATURAL RESOURCES TIER** and within the Smithville Lake Watershed.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density; low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽¹⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽¹⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: “1-Mile Urban Coordination Sub-Tier” where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The subject request meets the spirit and jest of the 2008 Comprehensive Plan.

Character of the General Neighborhood

Agricultural (AG) zoned property is to the north of the property. Smithville Lake Reservoir is to the East, South, and West. The Town of Paradise is to the west and north [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on May 14, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on May 15, 2015. The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.

Outside Agency Review

Clinton County Public Water Supply District No. 4 (PWSD #4) has indicated that domestic water service can be made available" at the subject property, and that "procedures to extend our water main and install a water meter ... have begun".



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The Clay County Highway Department in an email correspondence dated May 4, 2015 “agrees and accepts the plat [SAFPD STATION NO. 3]”. The road surface of Collins Road is asphalt.

The Clay County Health Department has given preliminary and final approval. The Smithville Fire Department serves this property. Future construction will need to comply with their fire protection codes. Any building plans must be submitted and approved by the fire district before a building permit may be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.

Findings

No Road Impact Fees (*RIF*) are required due to the fact that the subject request is not creating any new tracts.

The subject request is currently going through stormwater engineering review process by the County’s consulting engineer, Shafer, Kline, & Warren (“SKW”). In a letter dated May 19, 2015, SKW stated after an initial review they have “no issue with proceeding toward final approval. This does not mean that the applicants can obtain a building permit, but it does mean that our subsequent comments can be addressed such that approval is possible from the standpoint of our engineering review”.

No opposition has been received at the time of this writing.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) district to Community Commercial (C-2) be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of **SAFPD STATION NO. 3** be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. Any future structures will need to have building plans submitted and approved by the fire district prior to a building permit being issued, and then a letter of compliance from the fire district prior to a Certificate of Occupancy being issued.
2. Extension of a 4” water line must be completed and approved prior to the issuance of any building permit requiring water service.
3. Implement the County’s Consultant Engineer recommendations.
4. The following corrections to the recording copies of the Final Plat:
 - a. ADD: Collins Rd C/L
 - b. CHANGE: 10’ U.E. along street frontage to 20’ U.E. (west property line)
 - c. CHANGE: 30’ B/L to 25’ B/L
 - d. REMOVE: 10’ U.E. along south property line
 - e. REMOVE: “ASPHALT SURFACE-GOOD CONDITION” text
 - f. REMOVE: “STOP AHEAD” text and graphics
 - g. CHANGE: “LICENCE” to “LICENSE” in dedication/signature block



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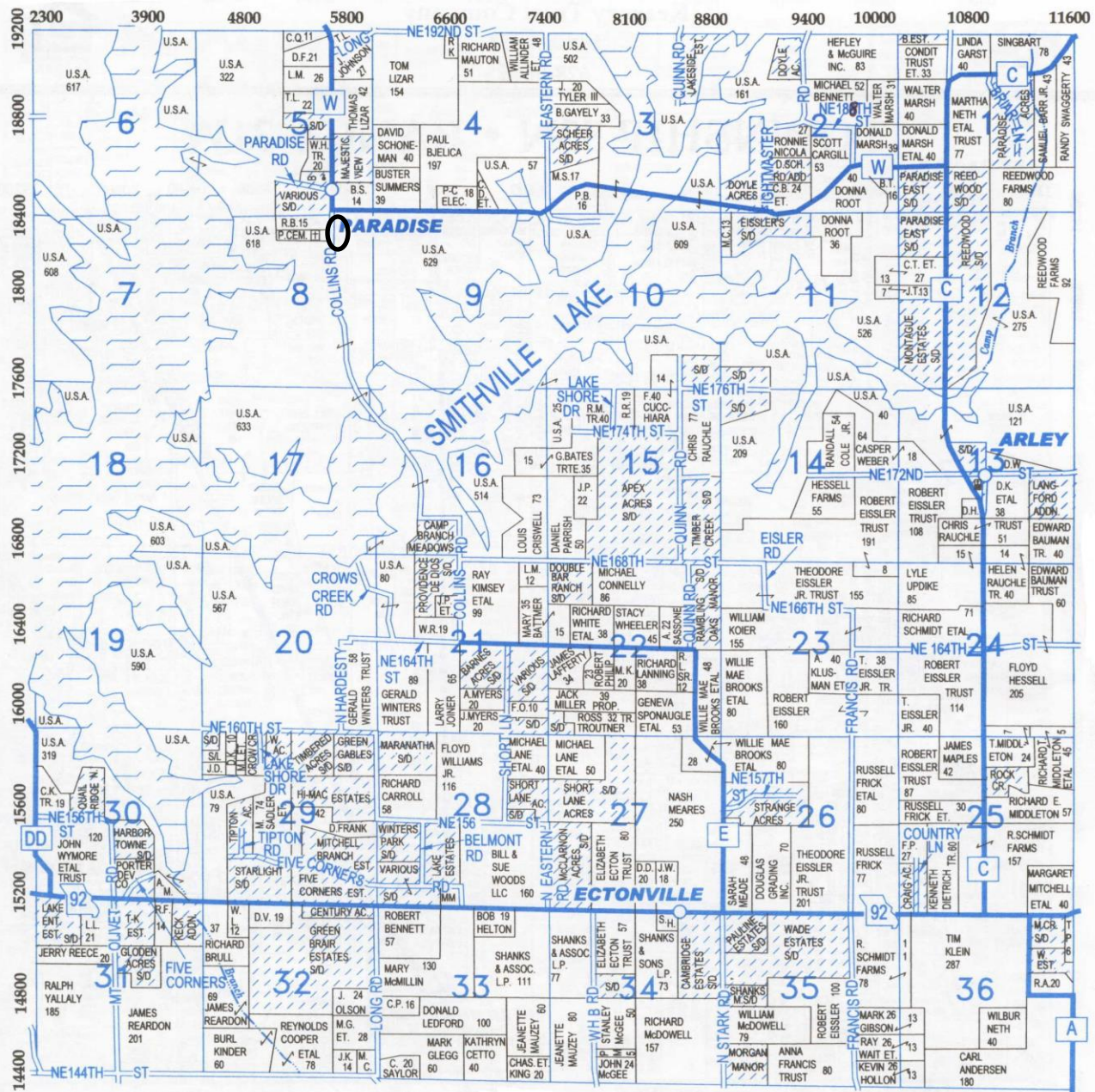
Clay County, Missouri

Attachments

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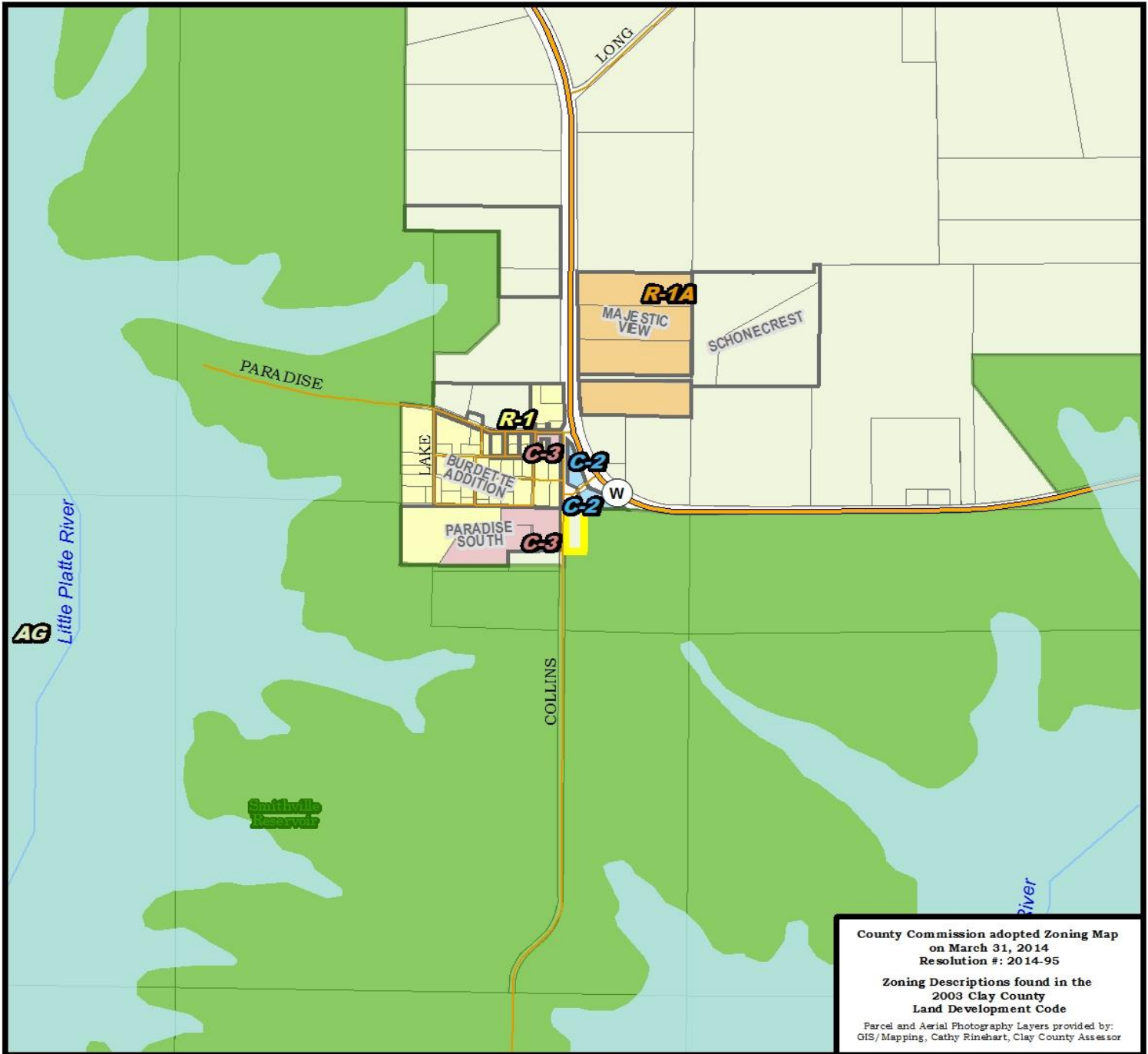
Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 32W



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Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on March 31, 2014
Resolution #: 2014-95

Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department



1 inch = 1,500 feet
1 inch = 0.28 miles

LEGEND

- Property Line
- ~ Streams (EPA)
- ~ Railroads
- ~ Roads
 - ~ Interstates
 - ~ State Highways
 - ~ Local Roads
 - ~ Highway Ramps
- Subdivisions
- City Limits
- Parks
- County Boundaries

Overlay Districts

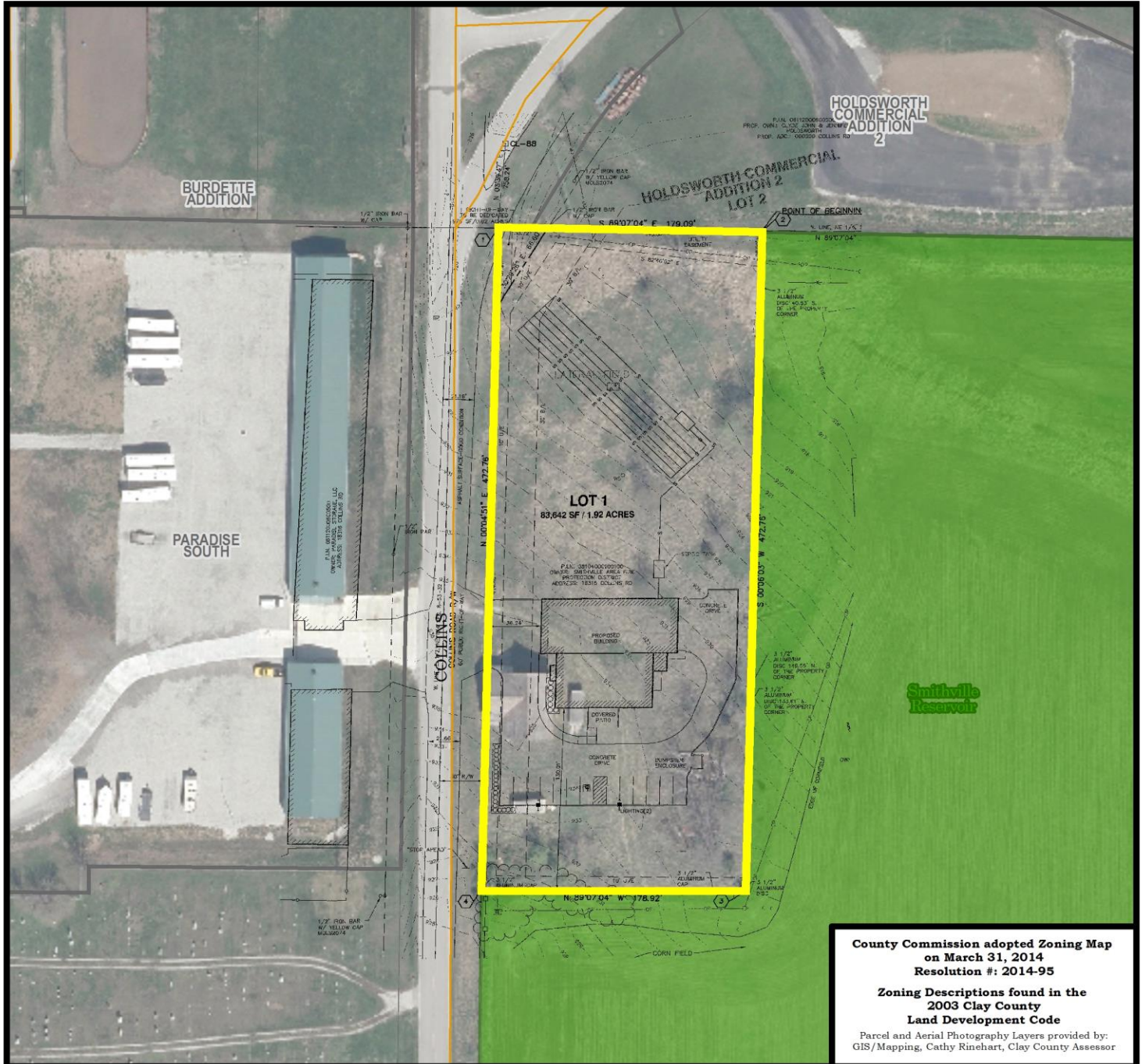
- CD (Conservation District)
- POD (Preservation Overlay District)
- PUD (Planned Unit Development)

Zoning Districts

- AG
- R-1
- R-1A/R-5
- R-1B/RU
- R-3
- C-1
- C-2
- C-3
- I-1
- I-2
- OP

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Attachment C - Site Plan Map



Planning & Zoning Department



1 inch = 100 feet
1 inch = 0.02 miles

LEGEND

- | | | |
|---------------|----------------|-------------------|
| Property Line | Roads | Subdivisions |
| Streams (EPA) | Interstates | City Limits |
| Railroads | State Highways | Parks |
| | Local Roads | County Boundaries |
| | Highway Ramps | |